

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

NOBELBIZ, INC.	§	
	§	Case No. 6:12-cv-244-MHS ( <b>LEAD CASE</b> )
v.	§	
	§	Case No. 6:13-cv-804 (Consolidated with 6:12-cv-244)
GLOBAL CONNECT, L.L.C.	§	
	§	
NOBELBIZ, INC.	§	
	§	Case No. 6:12-cv-247-MHS ( <b>LEAD CASE</b> )
v.	§	
	§	Case No. 6:13-cv-805 (Consolidated with 6:12-cv-247)
T C N, INC.	§	
	§	

**DEFENDANTS' PRELIMINARY ELECTION OF ASSERTED PRIOR ART**

Under Paragraph 5 of the Third Amended Scheduling and Discovery Order For Trial On The Merits (Doc. Nos. 150 and 140 in the above-captioned matters, respectively), Defendants Global Connect, L.L.C., and T C N, Inc. hereby make the following Preliminary Election Of Asserted Prior Art.

**U.S. Patent No. 8,135,122**

- (1) Global Connect's 2004 System (Global Connect's prior art method and system; associated reference Global Connect's 2004 Users' Guide).
- (2) TCN's 2004 System (TCN prior art method and system; associated reference TCN's 2004 Users' Manual).
- (3) U.S. Patent No. 5,590,184, entitled "Communications privacy protection system by replacing calling party number with non-assigned number," issued December 31, 1996, to London.
- (4) U.S. Patent No. 5,740,538, entitled "System and method for identifying the location of a

wireless terminal,” issued April 4, 1998, to Joyce, *et al.*

- (5) U.S. Patent No. 5,901,209, entitled “Caller ID substitution for selected telephone callers,” issued May 4, 1999, to Tannenbaum, *et al.*
- (6) U.S. Patent No. 7,756,253, entitled “Methods and systems for providing foreign call back number compatibility for VoIP E9-1-1 calls,” issued July 13, 2010, to Breen, *et al.*
- (7) U.S. Patent No. 7,640,009, entitled “Method and apparatus to provide a selectable caller identification,” issued December 29, 2009, to Belkin *et al.*
- (8) U.S. Patent No. 7,925,003, entitled “Call center management systems,” issued April 12, 2011 to Haug, Jr., *et al.*
- (9) U.S. Patent No. 8,027,332, entitled “Virtual telephone extension,” issued September 27, 2011, to Martin, *et al.*
- (10) U.S. Patent Appl. Publ. No. 2005/0053213, entitled “Local number provisioning system and method,” published March 10, 2005, to Giannoit.
- (11) U.S. Patent Appl. Publ. No. 2006/0140200, entitled “User-controlled telecommunications system,” to Black *et al.*
- (12) Torrone, Phillip, *Questions about the Caller ID falsification service answered*, [www.engadget.com](http://www.engadget.com) (August 31, 2004).

**U.S. Patent No. 8,565,399**

Same Prior Art as identified above for U.S. Patent No. 8,135,122.

Defendants’ Preliminary Election of Asserted Prior Art includes those pieces of prior art that Defendants may assert against the patents-in-suit as invalidating (as anticipated and/or obvious) one or more asserted claims of the patents-in-suit. Defendants have not listed other

references that may add context to this matter simply by illustrating the state of the art at the time of the alleged inventions. Because Plaintiff NobelBiz has objected to the use of background and contextual material by Defendants' technical expert previously in this litigation, Defendants must expressly reserve the right to use such background or contextual material.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 20<sup>th</sup> day of June, 2014, with a copy of this document via the Court's CM/EFC system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Clinton E. Duke